

JOURNAL OF THE HOUSE

EIGHTY-EIGHTH SESSION

FIFTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Tuesday, January 15, 2013

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor Sarah Goldammer, followed by the Pledge of Allegiance led by House page Ben Gute.

Roll Call: All members present.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the fourth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Brian G. Gosch, Chair

Which motion prevailed.

The oath of office was administered by the Honorable David Gilbertson, Chief Justice of the Supreme Court of the state of South Dakota to the following Representative:

Lance Carson

Which was subscribed to and placed on file in the office of the Secretary of State.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Health and Human Services respectfully reports that it has had under consideration HB 1022, 1023, and 1044 and returns the same with the recommendation that said bills do pass and be placed on the consent calendar.

Respectfully submitted,
Scott Munsterman, Chair

Also MR. SPEAKER:

The Committee on Agriculture and Natural Resources respectfully reports that it has had under consideration HB 1058 and returns the same with the recommendation that said bill do pass and be placed on the consent calendar.

Also MR. SPEAKER:

The Committee on Agriculture and Natural Resources respectfully reports that it has had under consideration HB 1006 and returns the same with the recommendation that said bill be amended as follows:

1006ra

On page 4, line 23, of the printed bill, delete "district" and insert "circuit".

On page 5, line 1, delete "district" and insert "circuit".

On page 5, line 3, delete "district" and insert "circuit".

On page 5, line 4, delete "district" and insert "circuit".

And that as so amended said bill do pass.

1 Also MR. SPEAKER:

2 The Committee on Agriculture and Natural Resources respectfully reports that it has had
3 under consideration HB 1001 and returns the same with the recommendation that said bill be
4 amended as follows:

5 1001ta

6 On page 1, line 9, of the printed bill, after "surface" insert "such as surveying and well
7 staking".

8 On page 2, line 5, delete "45-9" and insert "45-5A".

9 On page 2, line 10, delete "45-9" and insert "45-5A".

10 On page 2, after line 13, insert:

11 " Section 4. That § 45-5A-5 be amended to read as follows:

12 45-5A-5. The mineral developer shall give the surface owner written notice of proposed
13 surface disturbing mineral development, ~~other than exploration~~ activities; at least thirty days
14 before the date operations are commenced. Surface disturbing activities include well site
15 construction, road building, grading, excavation, demolition, and related activities. This notice
16 shall be given to the record surface owner at the surface owner's address as shown by the records
17 of the county register of deeds at the time the notice is given. This notice shall sufficiently
18 disclose the plan of work and operations to enable the surface owner to evaluate the effect of
19 drilling operations on the surface owner's use of the property. Included with this notice shall be
20 a form prepared by the Department of Environment and Natural Resources advising the surface
21 owner of his or her rights and options under this chapter."

22 And that as so amended said bill do pass and be placed on the consent calendar.

23 Respectfully submitted,
24 Charles B. Hoffman, Chair

25 Also MR. SPEAKER:

26 The Committee on Transportation respectfully reports that it has had under consideration
27 HB 1040, 1041, 1042, and 1043 and returns the same with the recommendation that said bills
28 do pass.

29 Respectfully submitted,
30 Mike Verchio, Chair

1 **CONSIDERATION OF REPORTS OF COMMITTEES**

2 Rep. Lust moved that the report of the Standing Committee on
3 State Affairs on HB 1012 as found on page 56 of the House Journal be adopted.
4 Which motion prevailed.

5 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

6 HB 1064 Introduced by: Representatives Verchio, Craig, Feickert, Hawks, Hickey,
7 Magstadt, Qualm, Rasmussen, Ring, Russell, Schoenfish, and Stalzer and Senators Rampelberg,
8 Bradford, Jensen, Maher, Tieszen, and Welke

9 FOR AN ACT ENTITLED, An Act to provide for certain methods of disbursement for
10 school district flexible spending accounts.

11 Was read the first time and referred to the Committee on Education.

12 HB 1065 Introduced by: Representatives Sly, Feickert, Greenfield, Haggar (Don), Haggar
13 (Jenna), Kaiser, Kopp, Latterell, Magstadt, Miller, Nelson, Olson (Betty), Qualm, Rasmussen,
14 Rozum, Schaefer, Schoenfish, Schrempp, Steele, and Verchio and Senators Rhoden, Begalka,
15 Bradford, Frerichs, Jensen, Lucas, and Welke

16 FOR AN ACT ENTITLED, An Act to allow student midwives to practice the functions
17 of a nurse practitioner or nurse midwife in certain instances.

18 Was read the first time and referred to the Committee on Health and Human Services.

19 HB 1066 Introduced by: Representatives Lust, Bartling, Conzet, Cronin, Dryden, Duvall,
20 Gibson, Hajek, Hawley, Hoffman, Hunhoff (Bernie), Johns, Killer, Kirschman, Magstadt,
21 Parsley, Peterson, Romkema, Rounds, Rozum, Sly, Tulson, Tyler, Verchio, Werner, and Wick
22 and Senators Brown, Adelstein, Bradford, Buhl, Frerichs, Johnston, Jones, Kirkeby, Krebs,
23 Lucas, Rampelberg, Sutton, Tidemann, Welke, and White

24 FOR AN ACT ENTITLED, An Act to continue the current rate of the gross receipts tax
25 imposed on visitor-related businesses.

26 Was read the first time and referred to the Committee on Taxation.

1 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

2 HB 1036: FOR AN ACT ENTITLED, An Act to prohibit retention of certain
3 administration costs for untimely 911 surcharge remittances.

4 Was read the second time.

5 The question being "Shall HB 1036 pass?"

6 And the roll being called:

7 Yeas 70, Nays 0, Excused 0, Absent 0

8 Yeas:

9 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
10 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);
11 Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
12 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson;
13 Miller; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;
14 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
15 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
16 Wick; Wink; Wismer; Speaker Gosch

17 So the bill having received an affirmative vote of a two-thirds majority of the members-
18 elect, the Speaker declared the bill passed and the title was agreed to.

19 HB 1063: FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete
20 provisions regarding the Bureau of Information and Telecommunications.

21 Was read the second time.

22 The question being "Shall HB 1063 pass?"

23 And the roll being called:

24 Yeas 68, Nays 2, Excused 0, Absent 0

25 Yeas:

26 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
27 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);
28 Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
29 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Lust; Magstadt; May; Mickelson; Miller;
30 Munsterman; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm;
31 Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly;
32 Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink;
33 Wismer; Speaker Gosch

1 Nays:
2 Latterell; Nelson

3 So the bill having received an affirmative vote of a majority of the members-elect, the
4 Speaker declared the bill passed and the title was agreed to.

5 HB 1008: FOR AN ACT ENTITLED, An Act to codify legislation enacted in 2012.

6 Was read the second time.

7 The question being "Shall HB 1008 pass?"

8 And the roll being called:

9 Yeas 70, Nays 0, Excused 0, Absent 0

10 Yeas:
11 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
12 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);
13 Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
14 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson;
15 Miller; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;
16 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
17 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
18 Wick; Wink; Wismer; Speaker Gosch

19 So the bill having received an affirmative vote of a majority of the members-elect, the
20 Speaker declared the bill passed and the title was agreed to.

21 HB 1009: FOR AN ACT ENTITLED, An Act to correct an error in the recreational vehicle
22 title statute.

23 Was read the second time.

24 The question being "Shall HB 1009 pass?"

25 And the roll being called:

26 Yeas 69, Nays 1, Excused 0, Absent 0

1 Yeas:

2 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
3 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);
4 Hajek; Hansen; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
5 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Latterell; Lust; Magstadt; May; Mickelson;
6 Miller; Munsterman; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson;
7 Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
8 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
9 Wick; Wink; Wismer; Speaker Gosch

10 Nays:

11 Nelson

12 So the bill having received an affirmative vote of a majority of the members-elect, the
13 Speaker declared the bill passed and the title was agreed to.

14 Rep. Steele moved that the House do now adjourn, which motion prevailed and at
15 2:23 p.m. the House adjourned.

16

Arlene Kvislen, Chief Clerk